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*Interim Counsel for the Consumer Class*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

MAXIMILIAN KLEIN, SARAH GRABERT,  
and RACHEL BANKS KUPCHO, on behalf  
of themselves and all others similarly situated,

*Plaintiffs,*

vs.

FACEBOOK, INC.,

*Defendant.*

This Document Relates To: All Actions

Consolidated Case No. 5:20-cv-08570-LHK

**DECLARATION OF BENJAMIN J.  
WHITING IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
FACEBOOK'S MOTION TO  
DISQUALIFY KELLER LENKNER LLC**

Hon. Lucy H. Koh  
Date: September 30, 2021  
Time: 1:30 p.m.  
Courtroom: 8

1 I, Benjamin J. Whiting, declare as follows:

2 1. I am a Partner at Keller Lenkner LLC (“KL”). I have personal knowledge of the  
3 facts stated herein, and, if called upon as a witness, I could and would competently testify thereto.

4 2. I have never spoken with Albert Pak about the substance of his prior work for  
5 Facebook. He has never spoken with me about the substance of that work. I have never spoken  
6 with Mr. Pak about the case KL has brought against Facebook. He has never spoken with me about  
7 that case.

8  
9 I declare that the foregoing is true and correct under penalty of perjury.

10 Executed May 21, 2021, in Chicago, Illinois.

11 /s/ Benjamin J. Whiting  
12 Benjamin J. Whiting  
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